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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,237	09/18/2000	MARVIN T LING	GTX-001-CIP	4660
7590	09/20/2004		EXAMINER	
Nicola A Pisano Luce Forward Hamilton & Scripps LLP 11988 El Camino Real Suite 200 San Diego, CA 92130			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	
			DATE MAILED: 09/20/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/665,237	LING, MARVIN T <i>CS</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 June 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-47 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-47 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 11-16 are rejected under 35 U.S.C. 102(a) as being anticipated by "AMBALINK UNIVERSAL NEWS SERVICES LIMITED", Universal News Services, PR Newswire, London June 8, 1999.

As per claims 11-16, the Ambalink disclosure describing the Ambalink system discloses all the claimed limitation, particularly a method for conducting electronic commerce transactions between a merchant and a purchaser for enabling the user to confirm a purchase of the item using a second server and presenting the user with a description of the item from a first server. See the entire document.

As per claims 17-19, in the Ambalink system, prior to enabling a user to select an item for purchase from the merchant, a user or consumer adds to funds to their electronic wallet by using a credit cards or cash to effect online purchases. See the entire document.

As per claims 20, in the Ambalink system users are being notified regarding whether the purchased was approved. See the entire document.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5-10, 17, 21, 22, 24-28, 30-35 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland et al. (6,449,601).

As per claims 2-3, 17, 21, 22, 39 and 44, all the claimed limitations are taught by Friedland et al (column 9, line 65 to column 13, line 14). The only difference between Friedland and the claimed invention is the step of "electronically delivering the purchase selection to the user" which is not being taught by Friedland. As per this feature, the Examiner notes that Friedland et al teach providing/selling goods or services to potential clients. Note column 12, lines 42-47 of Friedland et al. The Examiner asserts that if a software product is intended to be sold or purchased, electronically delivering the purchase selection to the user would have been obvious to one of ordinary skill in the art when viewing Friedland et al in order to instantly deliver the product to user or purchaser thereby satisfying a purchaser's objective of using the system.

As per claims 5, 24, Friedland et al disclose: requesting account information from the user if a determination is made that the user has no account that permits the

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user to conduct electronic commerce transactions with the vendor; and receiving the account information from the client device. Note column 11, line 39 to column 12, line 41.

As per claims 6, 25, Friedland et al disclose preventing the user from viewing a portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has an account balance less than the predetermined amount. Note column 11, line 39 to column 12, line 41.

As per claim 7, 26, Friedland et al disclose preventing the user from viewing a portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has no account that permits the user to conduct electronic commerce transactions with the vendor. Note column 11, line 39 to column 12, line 41.

As per claim 8, 27, Friedland et al disclose presenting the user with descriptions of the plurality of products or services. Note column 12, lines 41-65.

As per claims 9 and 28, updating the account balance based on the purchase selection would have been obvious to one of ordinary skill in the art whenever payment is made from the user's credit data or credit cards.

As per claim 10, Friedland et al disclose enabling the user to confirm the purchase selection.

As per claims 30 and 35, claims 30 and 35 contain limitations addressed in claim 2 and these limitations are rejected under a similar rationale. Claim 30 further recites a feature of “electronically delivering an authorization code that is employed in conjunction with the downloadable software files offered by the vendor”. As per this feature, the examiner notes that if a software product is intended to be sold or purchased, electronically delivering an authorization code that is employed in conjunction with the downloadable software files offered by the vendor would have been obvious to one of ordinary skill in the art when viewing the system of Friedland et al. in order to allow the purchaser to access the software files being purchased.

As per claim 31, Friedland et al disclose requesting at least one of personal information and payment information from the user. Applicant is directed to column 10, lines 13-61 of Friedland et al.

As per claims 32-33. and 41-42, Friedland et al teach storing a record of all transactions. See column 16, line 37 to column 19, line 9 of Friedland et al.

As per claims 34 and 43, Friedland et al also teach authenticating the user. See columns 10-13 of Friedland et al.

As per claim 40, Friedman et al disclose requesting at least one of personal information and payment information from the user. See column 10, lines 13-61 of Friedman et al.

3. Claims 4, 10, 18-20, 29, 36-38 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland et al (US Patent No. 6,449,601) as applied to claims 2, 30 and 39, above in view of "AMBALINK UNIVERSAL NEWS SERVICES LIMITED", Universal News Services, PR Newswire, London June 8, 1999.

As per claims 4, 23, the teachings of Friedland et al are discussed above. Friedland et al do not explicitly teach the step of "electronically delivering includes transmitting an authorization code". As per this feature, the Ambalink system teaches consumers making online purchases and an authorization code is transmitted to the consumers. See the entire document. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a step or means for transmitting an authorization code to the user as taught by Ambalink into Friedland et al in order to allow a user/purchaser to authenticate a transaction and/or for dispute resolution purpose.

As per claim 10, 29, Friedland et al disclose providing the purchases selection to the buyer. Note column 13, lines 53-62. Enabling the user to confirm the purchase is not explicitly taught by Friedlnad. This feature is taught by the Ambalink system. Note the entire document. Providing a step or means for enabling the user to confirm the purchase selection as taught by the Ambalink system into the system of Friedland et al.

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would have been obvious to one of ordinary skill in the art in order to avoid conflicts between the system and purchasers.

As per claims 18, 19, 36, 37 and 45-46, the teachings of Friedland et al are discussed above. Friedland et al disclose a step or means of prior to enabling the user to select an item for purchase from the merchant, enabling the user to identify an account to be used to pay for the purchase. Friedland et al do not explicitly teach enabling a user to add funds to the account. This is taught in the Ambalink system.

See the document.

Obtaining a credit status would have been obvious to one of ordinary skill in the art in the combination of Friedland and the Ambalink system whenever an attempt of a payment is attempted so as to assure that sufficient funds exist for effecting payment of a given transaction.

As per claims 20, 38 and 47, in the Amabalink system users are notified regarding whether the purchased was approved. See the entire document.

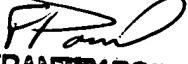
***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
September 15, 2004

  
**FRANTZY POINVIL**  
PRIMARY EXAMINER  
*AU3628*